

**HART TOWNSHIP
OCEANA COUNTY, MICHIGAN**

RESOLUTION NO. _____

At a regular meeting of the Hart Township Board of Trustees, Oceana County, Michigan, held at on January 9, 2019, the Township Hall located 3437 W. Polk Rd., Hart Township, Michigan 49420, the following Resolution was offered by _____ and seconded by _____.

**RESOLUTION ESTABLISHING PLANNING AND ZONING
APPLICATION FEES AND ESCROW POLICY TO PROVIDE FOR THE
REIMBURSEMENT FOR EXPENSES INCURRED IN PLANNING AND
ZONING PROCEEDINGS**

WHEREAS, Hart Township (the "Township") has adopted a Zoning Ordinance pursuant to the Michigan Zoning Enabling Act ("MZEA"), which authorizes the Township to charge reasonable fees for zoning permits; and

WHEREAS, there are certain zoning applications, developments, and projects that require the Township to incur additional and at times extraordinary out-of-pocket costs and expenses above and beyond what is associated with typical or average reviews for minor projects, and the costs cannot always be accurately predicted at the time of application; and

WHEREAS, the Township Board believes that it is reasonable and appropriate that the actual costs and expenses associated with reviewing such applications be borne by the applicant rather than the taxpayers of the Township; and

WHEREAS, the Township intends that zoning review fees and escrow amounts, which are amended from time to time as set forth in Section 12.08 of the Zoning Ordinance and in accordance with the MZEA and other applicable law, be reasonably proportionate to the costs incurred by the Township for a particular application, and that such fees and escrow amounts be used to defray the Township's costs of processing applications and administering the Township Ordinances; and

WHEREAS, the Township's Fee Schedule has not been amended since 2015; and

WHEREAS, the costs for complying with the MZEA notice requirements, including but not limited to postage and publication costs, have increased since 2015; and

WHEREAS, since 2015 the Township amended the Zoning Ordinance to authorize large scale solar energy systems and other large scale multiple property developments as a special use or other zoning process, which may require an application to be accompanied by fees and escrows as established by Township Board Resolution; and

WHEREAS, the current Fee Schedule does not adequately address all applications received by the Township and the current fees do not cover the costs the Township incurs for administering the Zoning Ordinance and other ordinances that may require review before or as a condition of approval; and

WHEREAS, the Township Board now desires to rescind the current Fee Schedule and the resolution under which it was adopted, and to adopt a new, combined zoning and planning fee schedule and escrow policy, so as to provide reimbursement to the Township for its expense in the review and handling of planning and zoning matters.

NOW, THEREFORE, BE IT RESOLVED that the Hart Township Board approves and adopts the following Fee Schedule and Escrow Policy below effective immediately:

FEE SCHEDULE AND ESCROW POLICY

HART TOWNSHIP, OCEANA COUNTY

1. The Township Board hereby adopts the Basic Fee Schedule set forth below:

BASIC APPLICATION FEE SCHEDULE

Regular Residential Zoning Permit*	\$50.00
Regular Commercial Zoning Permit*	\$75.00
Regular Industrial Zoning Permit*	\$75.00
Site Plan Review** (new or amendment)	\$325.00
Special Land Use (new or amendment)	\$500.00
Planned Unit Development (PUD) Request (new or amendment)	\$500.00
Administrative Amendments to PUDs, Special Uses and Site Plans***	\$50.00
Rezoning Request	\$250.00
Zoning Board of Appeals Request	\$250.00
Special Meeting Request	\$300.00
Land Division Application (for a boundary line adjustment or split resulting in two parcels)	\$150.00
Land Division Application (for each additional parcel created)	\$100.00
Inspections After Zoning Approval (per inspection)	\$50.00
Request for copies of the Township Zoning Ordinance or other documents	Per FOIA Policy

* A regular permit means a permit for something allowed by right that does not require site plan, special use, PUD or other special or agency approval.

**Includes subdivisions with more than four (4) parcels.

***Applies only to amendments to existing plans that do not seek a material change and that require staff review only.

The basic application fees specified above shall cover costs associated with:

- The applicant's appearance at regular Planning Commission, Zoning Board of Appeals and/or Township Board meetings;
- Mailing and legal notice requirements for public hearings (excluding costs incurred due to an applicant's delay or adjournment request);
- Basic review by Township staff (excluding outside contractors or professionals such as Township engineering, planning, legal, and other services).

2. The Township Board hereby adopts the Escrow Policy set forth below, providing for the collection of escrow funds, which shall be in addition to the fees required by the Basic Fee Schedule and shall be considered necessary to cover the additional costs and expenses incurred by the Township in processing zoning applications:

ESCROW POLICY

When Required:

An escrow account may be established for the following type of applications and requests:

- Site Plan Reviews;
- Special Land Uses;
- Planned Unit Developments;
- Plats, Site Condominiums and Developments of five (5) or more lots;
- Private Road Approvals;
- Large Scale Solar Energy Systems;
- Rezoning, at the discretion of Township officials and staff;
- Variance, interpretation or appeal proceedings before the Zoning Board of Appeals where Township staff or officials determine that the scope of the application will likely require professional assistance or involve additional costs;
- Land division applications where Township staff or officials determine that the scope of the request will likely require professional assistance or involve additional costs;
- Variances, at the discretion of Township officials and staff; and
- Other applications when Township staff and/or officials determine the need for establishing an escrow account due to the potential for the Township to incur exceptional or unusual costs.

Purpose and Application:

The Escrow Account shall be used to pay for or reimburse and cover all expenses directly incurred by the Township (including the Planning Commission, the Zoning Board of Appeals, and the Township Board), in processing, considering, reviewing, and approving or denying applications. These additional expenses include, but are not limited to, the following:

- Special meetings, including subcommittee meetings, at which the application is reviewed or considered;
- Services of the Township Attorney or special legal counsel directly related to the application;
- Services of the Township Engineer directly related to the application;
- Services of the Township Planner directly related to the application;
- Services of other consultants and professionals directly related to the application;
- Township staff time beyond basic review;
- Additional mailings and notices of public hearing(s) or meeting(s);
- Additional meetings deemed necessary for any reason attributable to the applicant;
- Traffic studies;
- Environmental impact studies;
- Court reporter and/or recording devices, including transcription costs;
- Other similar services and expenses.

When an Escrow Account is required, it shall be established at the time the application is filed. No application shall be processed by the Township prior to payment of the Basic Fee set forth in Section 1 of this Resolution and the escrow funds being deposited by the applicant with the Township.

Amount of Escrow Deposits:

The Township Supervisor or the Supervisor's designee shall determine the amount of the initial deposit based on an amount reasonably estimated to be sufficient to cover the expected costs and expenses to be incurred by the Township. The initial deposit may be as shown below or in such other amount determined by the Township Supervisor or Supervisor's designee, and in no event shall be less than \$500.00. The amount required to be deposited shall be increased in increments of \$500.00 considering factors such as project size, location, cost of providing public services, time constraints, studies, and other issues deemed relevant by the Supervisor or the Supervisor's designee.

	Initial Deposit
Site Plan Review (per non-contiguous parcel)	\$1,500
Special Land Use (per non-contiguous parcel) (includes site plan review)	\$1,500
Planned Unit Development (per non-contiguous parcel) (includes site plan review)	\$1,500
Plats, Site Condominium, and Developments of five (5) or more lots	\$1,500
All other applications and requests listed above	Minimum \$500

If an Escrow Account balance drops below \$500.00 and additional expenses are anticipated, the Township shall notify the applicant and require the applicant to deposit an additional \$500.00, or such greater amount as determined by the Township Supervisor or Supervisor's designee to be reasonably necessary to cover the anticipated remaining and/or future expenses, to be paid from the Escrow Account. Review of the application shall be suspended until the Escrow Account has been reestablished to the appropriate level as determined by the Supervisor or Supervisor's designee. If an additional deposit is required and not deposited, the matter will be removed from the relevant agenda and the matter will be adjourned until the required fees are deposited into the Escrow Account or an appeal of the matter has been decided in favor of the applicant.

Regarding escrow funds for large scale solar energy systems ("SES") or other large-scale multi-property applications, the Township Supervisor or Supervisor's designee may recommend additional escrow fees be deposited with the Township Treasurer for oversight and inspection of the facilities through completion of the development and for maintenance and repair and enforcement as provided in the Zoning Ordinance.

The Township may draw funds from the applicant's Escrow Account to pay or reimburse the Township for expenses incurred by the Township directly related to the review and processing of the application. The Township Treasurer shall maintain records regarding Escrow Accounts. A separate fund or account need not be maintained for each applicant, but the Township shall maintain sufficient records to show accurately all the amounts deposited by each applicant and all amounts paid out for the review of each application. Any excess funds will be refunded by the Township to the applicant without interest.

No final approval, building permit, occupancy permit, or similar certificates or approvals will be granted or issued by the Township unless all required fees have been deposited into the Escrow Account, except as otherwise determined by the Township Board for good cause.

If an applicant objects to the reasonableness or amount of a required Escrow Account deposit, or how the Township has applied the funds from an Escrow Account, the aggrieved applicant may appeal to the Township Board. All such appeals shall be filed, in writing, within thirty (30) days after receipt of the decision appealed. The Township Board shall establish a date and time to hear the appeal at a regularly scheduled Board meeting and shall permit the applicant or applicant's agent to appear at the meeting to appeal the decision of the Supervisor or Supervisor's designee. The Township Board may affirm, modify, or reverse the decision appealed.

The Township reserves the right to collect any remaining unpaid balances incurred in a civil proceeding, and may assess all costs and fees, including reasonable attorney fees, in pursuing that collection, as provided by law.

3. The Township Board may amend the Fee Schedule and Escrow Policy from time to time and may grant a waiver from this policy where it deems a waiver appropriate and serving a public purpose.

4. All fees established by this Resolution shall be effectively immediately.

5. All resolutions in conflict in whole or in part with this resolution are hereby revoked to the extent of such conflict.

YES: _____

NO: _____

Resolution declared adopted on _____, 2019.

Tim Tarske
Hart Township Clerk

CERTIFICATE

I, Tim Tarske, the Clerk of Hart Township, Oceana County, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Hart Township Board at a regular meeting held on the 9th day of January, 2019, which was noticed in compliance with Public Act 267 of 1976.

Tim Tarske
Hart Township Clerk